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Message Text

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ACTION EA-14

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FM AMEMBASSY RANGOON
TO SECSTATE WASHDC 7973
INFO AMEMBASSY BANGKOK

C O N F I D E N T I A L RANGOON 1270

E.O. 11652: GDS
TAGS: SNAR BM
SUBJECT: NARCOTICS SUPPRESSION EQUIPMENT ASSISTANCE - CONTENTS OF DRAFT AGREEMENT

REF: RANGOON 1218

1. SUMMARY. WE BELIEVE AGREEMENT ON PROVISION OF NARCOTICS SUPPRESSION EQUIPMENT OUGHT TO BE SHORT AND GENERAL, THOUGH SPECIFYING TYPE OF ASSISTANCE TO BE PROVIDED. MORE DETAILED UNDERSTANDINGS AS TO USE AND OPERATION OF AIRCRAFT SHOULD BE INCORPORATED IN AGREED MINUTES OR INFORMAL UNDERSTANDINGS. AGREED-UPON ITEMS SHOULD BE PROCURED BY AN APPROPRIATE USG AGENCY OR PRIVATE CONTRACTOR, NOT BY GUB DIRECTLY. END SUMMARY.

2. AS IND ZATED REFTEL, WE ASSUME USG WILL WISH TO BE AS OPEN AS POSSIBLE IN INFORMING CONGRESS AND PUBLIC OF OUR PROVISION OF NARCOTICS SUPPRESSION EQUIPMENT TO GUB, AND THAT THIS CAN BEST BE DONE BY CONCLUSION OF AN AGREEMENT WHICH WILL BE PUBLISHED ROUTINELY. AT SAME TIME, TECHNICAL AND OPERATIONAL DETAILS SOME OF WHICH INVOLVE BURMESE SENSITIVITIES AND WHICH ARE UNDERSTANDABLY CLASSIFIED BY GUB CAN BE DEALT WITH WHERE NECESSARY IN AGREED MINUTES OF NEGOTIATIONS, WHICH WOULD NOT BE PUBLISHED, OR IN MORE INFORMAL UNDERSTANDINGS BETWEEN EMBOFFS AND THEIR GUB COUNTERPARTS.

3. SUGGEST AGREEMENT BY EXCHANGE OF NOTES ALONG FOLLOWING LINES:
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BEGIN TEXT I HAVE THE HONOR TO REFER TO THE DISCUSSIONS WHICH

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HAVE RECENTLY TAKEN PLACE BETWEEN REPRESENTATIVES OF OUR TWO GOVERN-
MENTS CONCERING THE PROBLEM OF SUPPRESSING THE CULTIVATION, PRO-
CESSING, PRODUCTION, AND TRAFFICKING OF NARCOTIC DRUGS, AND INTER-
NATIONAL COOPERATION TO THIS END. IN ORDER TO ASSIST THE GUB'S
PROGRAM FOR SUCH SUPPRESSION, THE USG IS PREPARED TO PROVIDE,
ON A GRANT BASIS, (NUMBER AND TYPE) HELICOPTERS TOGETHER WITH SPARE
PARTS AND AUXILIARY EQUIPMENT, AT AN ESTIMATED TOTAL VALI
OF (IN-
SERT), TO BE DELIVERED DURING THE PERIOD (INSERT). SUBJECT TO THE
AVAILABILITY OF APPROPRIATE FUNDS AND TO AGREEMENT BETWEEN THE TWO
GOVERNMENTS ON THE CONTINUING NATURE OF THE REQUIREMENT, THE USG
IS PREPARED SUBSEQUENTLY TO PROVIDE AN ADDITIONAL (NUMBER AND TYPE)
HELICOPTERS, TOGETHER WITH SPARE PARTS AND AUXILIARY EQUIPMENT,
TO BE DELIVERED DURING THE PERIOD (INSERT FSPKLE FISCAL YEAR TIME
FRAME).

(A) THE GUB WILL PROVIDE THE AIRCREW AND MAINTENANCE PERSONNEL,
MAINTENANCE AND OPERATIONAL FACILITIES, AND ANY ADDITIONAL SPARE
PARTS AND AUXILIARY EQUIPMENT, POL AND ORDNANCE NECESSARY FOR THE
EFFECTIVE UTILIZATION OF THE HELICOPTERS FOR THEZSUPPRESSION OF
THE CULTIVATION, PROCESSING, PRODUCTION AND TRAFFICKING OF NARCOTIC
DRUGS.

(B) THE GUB WILL NOT SELL OR TRANSFER ANY OF THE USG GRANT
HELICOPTERS, SPARE PARTS, OR AUXILIARY EQUIPMENT TO ANY OTHER
GOVERNMENT OR INDIVIDUAL WITHOUT THE PRIOR APPROVAL OF THE USG.

(C) THE PROVISIONS OF THE ECONOMIC COOPERATION AGREEMENT
BETWEEN THE UNITED STATES AND BURMA OF MARCH 21, 1957, AS AMENDED,
SHALL APPLY TO THE COOPERATION PROVIDED FOR BY THE PRESENT AGREE-
MENT. END TEXT.

4. OUR PAST DISCUSSION OF SUPPRESSION EQUIPMENT HAS BEEN IN TERMS
OF MEASURES AGAINST TRAFFICKERS, AND LANGUAGE INCLUDING "CULT-
IVATION, PROCESSING, PRODUCTION" MAY SEEM BROAD. HOWEVER, THE
TERMINOLOGY USED IS BORROWED FROM BURMA'S NEW NARCOTIC DRUGS ACT
AND APPEARS TO US CONSISTENT WITH LANGUAGE OF FAA SECTION 481.
CERTAINLY IT WOULD BE IN US INTERESTS FOR GUB TO FEEL FREE TO USE
HELICOPTER-BORNE TROOPS OR POLICE AGAINST, SAY, ILLICIT CULTIVA-
TION OF OPIUM POPPIES, OR SMALL REFINERIES.

5. FOREGOING DRAFT DOES NOT CONTAIN LANGUAGE COMMITTING GUB TO
USE HELICOPTERS EXCLUSIVELY OR PRIMARILY AGAINST TRAFFICERS. IT
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DOES STATE CLEARLY THE PURPOSE OF THE GRANT, WHICH GUB ALREADY
UNDERSTANDS. ASIDE FROM QUESTION OF WHETHER GUB WOULD ACCEPT EX-
PLICIT AND PUBLIC LIMITATIONS ON ITS FREEDOM TO USE HELICOPTERS,
WE BELIEVE AN ATTEMPT TO REQUIRE THEIR USE "PRIMARILY" AGAINST
TRAFFICERS WOULD BE UNDESIRABLE AND UNENFORCEABLE. (A) "PRIMAR-
ILY" LEAVES AMPLE ROOM FOR DISPUTE OVER HOW TO MEASURE USE, AND
HOW MUCH USE IS MEANT BY "PRIMARILY." (B) ALTHOUGH THE IDEAL OF
ELIMINATING ALL TRAFFICERS OBVIOUSLY IS NOT GOING TO BE ACHIEVED

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IN FORESEEABLE FUTURE, WE CAN REASONABLY EXPECT AND HOPE FOR DRASTIC REDUCTIONS IN THE EXTENT OF TRAFFICKING. IF SO, WE CANNOT EXPECT GUB TO LEAVE HELICOPTERS SITTING ON GROUND RATHER THAN IN USE FOR OTHER PURPOSES.

(C) THERE IS NO WAY WE CAN ENFORCE ANY COMMITMENTS GUB MIGHT UNDERTAKE IN THIS RESPECT. WE CAN RELY ONLY ON GUB GOOD FAITH WHICH IS MORE LIKELY TO BE FORTHCOMING IF WE AVOID TRYING TO IMPOSE PUBLIC LIMITATIONS ON GUB FREEDOM OF ACTION.

6. OUR DRAFT ALSO OMITS LANGUAGE ABOUT RECORDKEEPING, ACCESS TO THE EQUIPMENT PROVIDED, ETC., BECAUSE WE BELIEVE THIS SUBJECT IS ADEQUATELY COVERED BY ARTICLES III AND IV OF 1957 BILATERAL: "THE GUB WILL PREPARE FOR THE USE OF BOTH GOVERNMENTS SUCH INFORMATION AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS AGREEMENT INCLUDING A QUARTERLY STATEMENT ON THE USE OF RESOURCES RECEIVED HEREUNDER . . . . THE GUB WILL GIVE FULL CO-OPERATION TO THE USG . . . FOR OBSERVATION AND SURVEY OF THE CARRYING OUT OF THIS AGREEMENT . . . ." SOME SPECIFIC UNDER-STANDINGS WITH GUB CONCERNING MECHANICS OF VERIFICATION, AUDIT, RECORDKEEPING, ETC., CAN PROBABLY BE INCORPORATED IN AGREED MINUTES OF NEGOTIATIONS, BUT AID AND MEDT EXPERIENCE OVER MANY YEARS HAS BEEN THAT WE HAVE NO REAL PROBLEMS IN OBTAINING FROM GUB THE DATA NEEDED TO ASSESS AND AUDIT AID PROGRAMS.

7. WE ARE UNCERTAIN WHETHER ANY CONSIDERATION HAS YET BEEN GIVEN TO MECHANICS OF PROCUREMENT. USAID EXPERIENCE WITH THE CUMBERSOME GUB BANKING AND FINANCIAL SYSTEM INDICATES IT WOULD BE HIGHLY UNDESIRABLE TO USE CONVENTIONAL AID SYSTEM OF PROCUREMENT BY GUB ITSELF FINANCED THROUGH PIO/C AND LETTERS OF CREDIT. WE SUGGEST INSTEAD THAT AGREED-UPON ITEMS SHOULD BE PROCURED AND SHIPPED BY AN APPROPRIATE USG AGENCY. ALTERNATIVELY, SINGLE CONTRACTOR RESPONSIBILE FOR SUPPLY OF HELICOPTERS (OR RECONDITIONING IF HUSKIES ARE SUPPLIED) MIGHT UNDERTAKE ALSO TO PROCURE AND SHIP

ALL RELATED ITEMS, INCLUDING ARMAMENT, AS AGENT FOR GUB.
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